UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,769	12/29/2003	Brian Joseph Ewanchuk	3382-66848	8221

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EXAMINER
HIGA, BRENDAN Y

ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/748,769	EWANCHUK ET AL.
	Examiner	Art Unit
	BRENDAN Y. HIGA	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *29 December 2003*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *29 December 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *07/2004*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to the application filed on December 29, 2003.

Claims 1-20 are pending.

Priority

No claim for priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in this

application is December 29, 2003.

Drawings

The Examiner contends that the drawings submitted on December 29, 2003 are

acceptable for examination proceedings.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The preamble of claim 1 cites "In a device including plural applications requesting

remote resources, a method of managing overlapping connection sessions created to

support access to remote resources by said plural applications, the method

comprising:". Thus, claim 1 appears to be directed to a method claim, as such, claims 2-

6 should reference "the method of claim 1" as opposed to "the device of claim 1".

Appropriate correction is required.

Claim 1 also references "a process identification" in lines 5 and 9. However, it is

unclear whether the process identification in line 9 is meant to be distinct from the

process identification in line 5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 14, and 16 are rejected under 35 U.S.C. 102(b) as being

anticipated by Gase (US 6,363,081).

As per claim 12, Gase teaches a processor coupled to memory and a hardware

device for communicating ('Client computer', Fig. 1, ref. 20, col. 2, and lines 59-61) with

remote resources (see Fig, 1, ref. 22); software in memory and comprising:

An operating service for receiving system service requests via an application

services interface ('port', read as an application services interface, see col. 3, lines 1-

20); plural applications (see col. 3, lines 1-2) requesting remote services from the operating service via the application service interface (see col. 3, lines 1-20); a connection manager for establishing via the hardware device (client computer comprising 'network capabilities' see col. 2, lines 59-61) a connection shared by plural applications communicating with remote resources over the connection (see "multiple applications receive packets over the single contested port", see col. 3, lines 1-14) and for maintaining the connection when an application requests a disconnection while another application is still using the connection (see "drop command", col. 5, lines 62-col. 6, line 2, wherein a secondary application is dropped while the primary application and possibly other secondary application remain connected or col. 6, lines 48-60, wherein the primary application issues a 'shut down' notice, whereby a secondary application is then elected to take over the duties of the primary application)

As per claim 14, Gase further teaches wherein the connection manager maintains a list of applications that have requested the connection (see "Distribution list", col. 3, lines 30-45)

As per claim 16, Gase further teaches wherein the system is a personal computer (see col. 2, lines 59-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7, 8, 10, 13, 15, 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gase (US 6,363,081) in view of Hong et al. (US H2065 H),

hereafter Hong.

As per claim 1, Gase teaches receiving a connection request comprising a

process identification ("forwarding information", see col. 3, lines 38-45, read as

identification information for a process) and saving the process identification in a data

structure ("distribution list", see col. 3, lines 38-45);

Establishing a connection upon receiving a connection request when no

connection exists (see 'attempting to bind to the contested port', read as a connection

request, col. 1, lines 58-63);

Receiving a disconnection request comprising a process identification and

removing the disconnection process identification from the data structure (see "DROP"

command, read as a disconnection request, col. 5, lines 57-62);

Gase further teaches see col. 6, lines 56-60, *"Upon receiving a shutdown notice,*

the affected secondary applications begin negotiating among themselves to identify

which application should become the primary application." Thus Gase, teaches that

there are further secondary applications within the distribution list for which to take over

for the primary application, however, Gase does not expressly teach terminating the

connection upon receiving a disconnection request when no process identification

remain in the data structure after removing the disconnecting process identification.

However, in the same art of network session establishing, Hong et al. teaches a

technique for closing client network connections when there is no longer any use for the

connection to stay upon (see col. 7, lines 42-55).

One of ordinary skill in the art would have been motivated to combine the

teachings of Gase with the teachings of Hong for terminating the connection over the

primary port when there are no longer any secondary applications in the distribution list

requesting to bind with the primary port (i.e. *terminating the connection upon receiving a*

disconnection request when no process identification remain in the data structure after

removing the disconnecting process identification). The motivation for doing so would

have been to release any client resources associated with the maintenance of the

inactive internet connection.

As per claim 2, Gase in view of Hong further teaches saving a time that a

connection request was received (see Hong, 'idle time', col. 7, lines 42-47); after a

threshold period after the time (see Hong, 'amount pre-determined to be adequate for

the closing operation', see col. 7, lines 42-55), removing a process identification from

the data structure if a process associated with the process identification has terminated

(see Gase, col. 5, lines 57-62); and terminating the connection when no process

identifications remain in the data structure after removing the identification of the

terminated process (see rationale provided in claim 1, with respect to the combined

teachings of Gase and Hong).

The same motivation that was utilized for combining Gase and Hong in claim 1

applies equally well to claim 2.

As per claim 3, Gase in view of Hong further teaches wherein the device is a

computer (see Gase, client computer Fig. 1, ref. 24, and col. 3, lines 1-2) and the

connection is a dial-up connection (see Hong, 'dial-up', col. 1. lines 20-35).

As per claim 7, Gase teaches receiving a request for a connection to a remote

resource(see 'attempting to bind to the contested port', read as a connection request,

col. 1, lines 58-63); saving in a data structure ("distribution list", see col. 3, lines 38-45),

an identifier of the request for a connection ("forwarding information", see col. 3, lines

38-45, read as identification information for a process); upon receiving a request for

connection, creating the connection when the connection is not already established (see

Fig. 3, ref. 76); receiving a request for a disconnection from a remote resource (see

"DROP" command, read as a disconnection request, col. 5, lines 57-62); deleting from

the data structure, and identifier of the request for the disconnection (see col. 5, line 63-

col. 6, line 2);

Gase further teaches see col. 6, lines 56-60, *"Upon receiving a shutdown notice,*

the affected secondary applications begin negotiating among themselves to identify

which application should become the primary application." Thus Gase, teaches that

there are further secondary applications within the distribution list for which to take over

for the primary application, however, Gase does not expressly teach disconnecting the

connection upon a disconnection request when the deleted identifier is the last identifier

of a request for a connection in the data structure.

However, in the same art of network session establishing, Hong et al. teaches a

technique for closing client network connections when there is no longer any use for the

connection to stay upon (see col. 7, lines 42-55).

The same motivation that was utilized for combining Gase and Hong in claim 1

applies equally well to claim 7.

As per claim 10, Gase in view of Hong further teaches wherein the connection is

a dial-up connection (see Hong, 'dial-up', col. 1. lines 20-35) between a modem and an

Internet service provider (see col. 3, lines 40-41).

The same motivation that was utilized for combining Gase and Hong in claim 1

applies equally well to claim 10.

As per claim 20, Gase in view of Hong further teaches periodically removing

identifiers of processes from the stored identifiers when the processes have terminated

without requesting a disconnect (see Hong, wherein, regardless of whether a TCP

disconnect command is issued, the connection with the application will close once the

idle timer 607 reaches zero, see col. 7, lines 42-55).

Claims 8, 13, 15, 18, and 19 are rejected under the same rationale as claims 1, 2, 3, 7,

10, 12, 14, 16, and 20 since they recite substantially identical subject matter. Any

differences between the claims do not result in patentably distinct claims and all of the

limitations are taught by the above cited art.

Claims 4, 5, 6, 11 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gase (US 6,363,081) in view of Hong (US H2065 H), in further

view of Cho et al. (US 6922728), hereafter referred to as Cho.

As per claim 4, Gase in view of Hong does not teach wherein the device is a

wireless device and the connection is a wireless connection.

As per claim 5, Gase in view of Hong does not teach the wireless device being a

phone.

As per claim 6, Gase in view of Hong, does not teach the wireless device being a

hand-held device.

As per claim 11, Gase in view of Hong further teaches the device running on

plural applications sending the connection requests and communicating with remote

resources over the connection (see Gase col. 3, lines 1-2 and col. 3, lines 48-56).

However, Gase in view of Hong does not teach the device being a wireless device.

As per claim 17, Gase does not expressly teach the connection being wireless.

However, a device such as a wireless hand-held phone which opens internet connections via wireless links was well known in the art at the time of the invention. For example, Cho teaches the use of a hand-held personal digital assistant (PDA), with phone capabilities, which connects to the internet via a wireless connection (see col. 1, lines 25-35).

One of skill in the art would have been motivated to modify the teachings of Gase and Hong, for use with a personal digital assistant (PDA) in order to take advantage of the inherent portability associated with such a device.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gase (US 6,363,081) in view of Hong (US H2065 H), in further view of Firth et al. (US 5,987,517), hereafter Firth.

As per claim 9, Gase in view of Hong further teaches wherein a request for a connection originates from an application (see Gase col. 3, lines 1-14) and the remote resource is a sever (see Fig. 1, ref. 22).

Gase does not necessarily teach the server being a web server.

However, in the same art of network connection establishing, Firth teaches a client running multiple applications for accessing Internet (i.e. world wide web) servers (see col. 1, lines 42-54) via simultaneous HTTP port connections (see col. 2, lines 7-13).

      One of skill in the art would have been motivated to modify the teachings of Gase with the teachings of Gase for accessing Internet (web) servers, in order to take advantage of the wide variety of services that can be accessed on the web (see Firth col. 1, lines 41-54).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

      Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BYH

/Glenton   Burgess/

Supervisory Patent Examiner, Art Unit 2153